

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

KATHLEEN KITTERMAN,
ANNA CRONIN,
CORRIE BALL,
MARVIN BALL,
MARGARET BROGAN and
EVAN JONES,

Plaintiffs,

vs.

CASE NO.: 2:12cv146

CLAUDIO TOVAR-GUZMAN,

FORTINO GARCIA AND SONS
HARVESTING, INC., and,

KUZZEN'S,

Defendants.



DEPOSITION OF MARIA JIMENEZ

Taken on Behalf of the Plaintiffs

DATE TAKEN: May 29, 2013

TIME: 9:13 a.m. - 11:19 a.m.

PLACE: Gregory Court Reporting
2650 Airport Road South, Ste. A
Naples, FL 34112

Examination of the witness taken before:

Jan D. Bickford, Court Reporter
Gregory Court Reporting Service, Inc.
2650 Airport Road South, Suite A
Naples, Florida 34112

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CERTIFIED COPY

APPEARANCES

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On Behalf of Claudio Tovar-Guzman and Fortino Garcia and
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On Behalf of Kuzzen's:

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On Behalf of USAA:

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On Behalf of ACE:

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LeCLAIR RYAN
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Also Present:

MARGARET BROGAN
CHRISTOPHER HARRELL {Via speakerphone}

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1 Q Okay. But you have seen the 30(b)(6) notice and
2 Kuzzen's has appointed you to answer the topics that are
3 presented there, correct?

4 A Yes.

5 Q Okay. Now, if something -- if I go awry of the
6 topics, I'm your sure attorney will object and we'll try
7 and work it out and get back on the record. Okay?

8 A Okay.

9 Q By way of identification, will you please state
10 your -- well, you've stated your name, but where do you
11 live?

12 A In LaBelle, Florida.

13 Q Okay. And what's your age?

14 A I am 31.

15 Q Are you a U.S. citizen?

16 A Yes.

17 Q And what is your -- for whom -- or by whom are
18 you employed?

19 A Lipman is our -- is a brand name. I'm employed
20 by them.

21 Q Okay. Now, Lipman is not actually an entity in
22 and of itself; is it? I mean, it's a fictitious name for
23 33 different corporations; is that correct?

24 A Yes. It's the brand.

25 Q Okay. So do you know who you actually work for,

1 which of those corporations?

2 A LFC Management Services, Incorporated.

3 Q Okay. And do you have a title with LFC
4 Management Services?

5 A Safety Compliance Manager.

6 Q Okay. So are you over David Garcia? Does he
7 fall within your line of --

8 A No. We work together but we're not -- our
9 departments aren't together, I would say.

10 Q Okay. I just noticed that he also had compliance
11 in his title, so I thought maybe he fell into your line of
12 supervision.

13 A No.

14 Q Can you tell me what does the Safety Compliance
15 Manager do?

16 A This is more of the workman's comp, the safety
17 training, the OSHA, all of the -- like I said, the
18 workmen's comp; the litigated cases; filing the daily
19 reports; whenever somebody gets hurt, incident reports;
20 and like I said, the OSHA training.

21 Q Okay. Were you involved in that Williamson case
22 up in Pennsylvania?

23 A No.

24 Q Okay.

25 A No.

1 Q Who is your immediate supervisor?

2 A John Martinez.

3 Q And does he also work for LFC Management
4 Services, Inc.?

5 A Yes.

6 Q Okay. I'd like to talk about the Lipman
7 branding.

8 Basically, do you know how many corporations are
9 identified as Lipman?

10 A The exact number, no.

11 Q Okay. I mean, I've added up to 32 or 33.

12 Do you agree that it's about that many or more or
13 less or --

14 A I actually thought it was less.

15 Q Okay. All right. I just went on to the Florida
16 State-thing and state corporation and punched in "Lipman
17 as a fictitious name."

18 But how do all these various corporations -- do
19 they all act as each other's agent; is that it?

20 MR. CASEY: Object to form, but you can answer if
21 you can.

22 THE DEPONENT: I'm not positive.

23 BY MR. BROGAN:

24 Q Okay. I guess my question why is an LFC
25 Management Services person here testifying on behalf of

1 Kuzzen's, Inc?

2 A LFC Management is our payroll processing company
3 for employees that are foreman level and above. Kuzzen's
4 is at the farming and packing operation in Virginia and
5 also South Carolina.

6 Q Okay. So would LFC Management Services -- would
7 people who actually work on Kuzzen's farm be employed by
8 LFC Management Services?

9 A Yes.

10 Q Okay. And would -- there's also another name
11 I've seen, which is LFC Administrative Services?

12 A There's no Administrative Services. There's LFC
13 Agricultural Services.

14 Q Oh, Agricultural Services. Sorry.

15 And how is that different from LFC Management
16 Services, Inc.?

17 A It's also a payroll processing company for --
18 their position being below foreman level.

19 Q Okay. So basically LFC Management Services and
20 LFC Agricultural Services do the similar roles?

21 A Yes.

22 Q They're both payroll processing?

23 A Correct.

24 Q Okay. So for individuals working for Kuzzen's in
25 the foreman level and higher, LFC Management Services

1 sure that it has -- the same process probably applies to
2 other farms, but we're concerned more with Kuzzen's farm
3 in South Carolina and the farm in Virginia.

4 A Okay.

5 Q Do you know if Kuzzen's has other farms other
6 than in South Carolina and Virginia?

7 A No.

8 Q Okay. How is it that Kuzzen's hires workers for
9 their farm in South Carolina?

10 A Workers are recruited. The agricultural workers
11 are recruited by the independent contractor and they
12 actually have to be hired in -- have to have worked in
13 Florida prior to -- to going to South Carolina and/or
14 Virginia.

15 Q Okay.

16 A So they get recruited down here in Florida. They
17 work down here in Florida and then they're able to travel
18 up north to work up there.

19 Q Okay. Now, when you say "hired," who hires these
20 individuals?

21 A Well, like I said, they get recruited by the
22 independent contractor. They bring them into one of the
23 farm offices or either HR and we do the actual hiring.

24 Q Okay. So that would be LFC Agricultural Services
25 that does the actual hiring --

REPORTER'S DEPOSITION CERTIFICATE

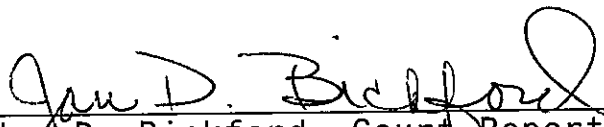
STATE OF FLORIDA)

COUNTY OF COLLIER)

I, Jan D. Bickford, Court Reporter and Notary Public in and for the State of Florida at Large, certify that I was authorized to and did stenographically report the deposition of MARIA JIMENEZ; that a review of the transcript was requested and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorney or counsel connected with the action; nor am I financially interested in the action.

DATED this 14th day of July 2013.


Jan D. Bickford, Court Reporter
Notary Public, State of Florida
Commission No.: EE020458
Commission Expires: 10/3/14